

Notice of Allowability

Application No.

10/781,118

Examiner

Christopher A. Flory

Applicant(s)

GUION ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 28 March 2007.
2. ☒ The allowed claim(s) is/are 1-11, 13-16, 18-33, 35-38, 40, 41 and 43-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

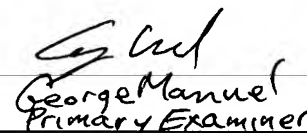
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


George Manuel
Primary Examiner

DETAILED ACTION

Response to Arguments

1. The cancellation of claims 12, 17, 34, 39 and 42 is noted. Claims 1-11, 13-16, 18-33, 35-38, 40, 41 and 43-58 are still pending.
2. Applicant's arguments, see paragraph 2 of page 17, filed 28 March 2007, with respect to the objection to claims 21, 53 and 54 have been fully considered and are persuasive. The objection to claims 21, 53 and 54 has been withdrawn.
3. Applicant's arguments, see paragraph 1 of page 18, filed 28 March 2007, with respect to the rejection of claims 18-20 and 36-38 under 35 U.S.C. §101 have been fully considered and are persuasive. The §101 rejection of claims 18-20 and 36-38 has been withdrawn.
4. Applicant's arguments, see pages 19-20, filed 28 March 2007, with respect to the §102(b) and §103(a) rejections of the claims have been fully considered and are persuasive. The §102(b) and §103(a) rejections of the claims have been withdrawn.

Allowable Subject Matter

5. Claims 1-11, 13-16, 18-33, 35-38, 40, 41 and 43-58 are allowed.
6. The following is an examiner's statement of reasons for allowance:
7. Independent claims 1 and 33 are allowable for at least the reason that the prior art does not disclose, alone or in combination, applying singular value decomposition to compute respective sets of sub-matrices that define disease regions within a multidimensional space.

8. Independent claims 6, 9, 11, 41, 48, 53 and 57 are allowable for at least the reason that the most pertinent prior art of record does not disclose, in conjunction with the claimed limitation discussed in paragraph 7 above, generating vectors in a multidimensional space representative of auscultatory sounds and outputting a pass/fail message or severity indicator indicating whether an abnormal condition has been detected as a function thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Flory whose telephone number is (571) 272-6820. The examiner can normally be reached on M - F 8:30 a.m. to 5:00 p.m..

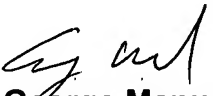
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher A. Flory

19 June 2007


George Manuel
Primary Examiner